

HOUSE BILL NO. 52

INTRODUCED BY J. COHENOUR

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE USE OF CHILD SAFETY RESTRAINTS IN MOTOR VEHICLES FOR CHILDREN UNDER 7 YEARS OF AGE OR WHO WEIGH LESS THAN 60 POUNDS; MAKING A VIOLATION OF THE REQUIREMENT THAT CHILDREN BE PROPERLY RESTRAINED A STANDARD VIOLATION BY EXEMPTING CHILDREN FROM THE PROVISION PROHIBITING LAW ENFORCEMENT FROM STOPPING A DRIVER WHO IS IN VIOLATION OF SEATBELT REQUIREMENTS; AND AMENDING SECTIONS 61-9-420 AND 61-13-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-9-420, MCA, is amended to read:

"61-9-420. Child safety restraint systems -- standards -- exemptions. (1) If a child under 6 7 years of age ~~and~~ or weighing less than 60 pounds is a passenger in a motor vehicle, that motor vehicle must be equipped with one child safety restraint for each child in the vehicle and each child must be properly restrained.

(2) The department shall by rule establish standards in compliance with 61-9-419 through 61-9-423 and applicable federal standards for approved types of child safety restraint systems.

(3) The department may by rule exempt from the requirements of subsection (1) a child who because of a physical or medical condition or body size cannot be placed in a child safety restraint."

Section 2. Section 61-13-103, MCA, is amended to read:

"61-13-103. Seatbelt use required -- exceptions. (1) A driver may not operate a motor vehicle upon a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly adjusted and fastened seatbelt ~~or, if 61-9-420 applies, is properly restrained in a child safety restraint.~~

(2) The provisions of this section do not apply to:

(a) an occupant of a motor vehicle who possesses a written statement from a licensed physician that the occupant is unable to wear a seatbelt for medical reasons;

(b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

1 (c) an operator of a motorcycle₁ as defined in 61-1-105₁ or a motor-driven cycle₁ as defined in 61-1-106;

2 (d) an occupant of a vehicle licensed as special mobile equipment₁ as defined in 61-1-104; ~~or~~

3 (e) an occupant who makes frequent stops with a motor vehicle during official job duties and who may
4 be exempted by the department; or

5 (f) a child who is subject to the provisions of 61-9-420.

6 (3) The department may adopt rules to implement subsection (2)(e).

7 (4) The department or its agent may not require a driver who may be in violation of this section to stop
8 except upon reasonable cause to believe that the driver has violated another traffic regulation or that the driver's
9 vehicle is unsafe or not equipped as required by law."

10 - END -